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CONSTITUTION OF IOWA.

CONSTITUTION

OF

THE STATE OF IOWA,

Adopted in Convention, November 1, 1844.

DECEMBER 12, 1844.

Read, referred to the Committee on the Territories, and 5,000 extra copies ordered to be printed.

Mr. DODGE, of Iowa, presented the constitution for the State of Iowa, accompanied by an ordinance and memorial.

ARTICLE I.

Preamble and boundaries.

We, the people of the Territory of Iowa, within the boundaries herein-after designated by our representatives in convention assembled at Iowa city, on Monday, the seventh day of October, in the year of our Lord one thousand eight hundred and forty-four, grateful to the Supreme Ruler of the universe for the blessings hitherto enjoyed as a people, and acknowledging our dependence upon him for a continuation of those blessings, in order to establish justice, insure tranquillity, provide for the common defence, promote the general welfare, secure to ourselves and our posterity the rights of life, liberty, and the pursuit of happiness, do agree to form and establish a free and independent government, by the name of the State of Iowa, the boundaries whereof shall be as follows, to wit: Beginning in the middle of the main channel of the Mississippi river, opposite the mouth of the Des Moines river; thence up the said river Des Moines, in the middle of the main channel thereof, to a point where it is intersected by the old Indian boundary-line, or line run by John C. Sullivan in the year 1816; thence westwardly along said line to the "old northwest corner of Missouri;" thence due west to the middle of the main channel of the Missouri river; thence up in the middle of the main channel of the river last mentioned, to the mouth of the Sioux or Calumet river; thence in a direct line to the middle of the main channel of the St. Peter's river, where the Watonwan river (according to Nicolle's map) enters the same; thence down the middle of the main channel of said river, to the middle of the main channel of the Mississippi river; thence down the middle of the main channel of said river, to the place of beginning.

Blair & Rives, printers.

ARTICLE II.

Bill of rights.

1. All men are by nature free and independent, and have certain unalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property; and pursuing and obtaining safety and happiness.

2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people; and they have the right at all times to alter or reform the same, whenever the public good may require it.

3. The legislature shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; nor shall any person be compelled to attend any place of worship, pay tithes, taxes, or other rates, for building or repairing places of worship, or for the maintenance of any minister or ministry.

4. No religious test shall be required as a qualification for any office or public trust; and no person shall be deprived of any of his rights, privileges, or capacities, or disqualified from the performance of any of his public or private duties, or rendered incompetent to give evidence in any court of law or equity, in consequence of his opinions on the subject of religion.

5. All laws of a general nature shall have a uniform operation.

6. Every person may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury; and if it appear to the jury that the matter charged as libellous was true, and was published with good motives, and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

7. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable seizures and searches, shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the papers and thing to be seized.

8. The right of trial by jury shall remain inviolate; but the legislature may authorize trial by a jury of a less number than twelve men in the inferior courts.

9. In all criminal trials the accused shall have a right to a speedy trial by an impartial jury, to be informed of the accusation against him, to be confronted with the witnesses against him, to have compulsory process for his own witnesses, and to have the assistance of counsel.

10. No person shall be held to answer for a criminal offence, unless on presentment or indictment by a grand jury; except in cases cognizable by justices of the peace, or arising in the army or navy, or in the militia when in actual service in time of war or public danger.

11. No person shall, after acquittal, be tried for the same offence. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offences, where the proof is evident or the presumption great.

12. The writ of *habeas corpus* shall not be suspended, unless, in case of rebellion or invasion, the public safety require it.

13. The military shall be subordinate to the civil power. No standing army shall be kept up by the State in time of peace; and in time of war, no appropriation for a standing army shall be for a longer time than two years.

14. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in manner prescribed by law.

15. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the evidence of two witnesses to the same overt act, or confession in open court.

16. Excessive bail shall not be required; excessive fines shall not be imposed; and cruel and unusual punishments shall not be inflicted.

17. Private property shall not be taken for public use, without just compensation.

18. No person shall be imprisoned for debt in any civil action on mesne or final process, unless in cases of fraud; and no person shall be imprisoned for a militia fine in time of peace.

19. The people have the right freely to assemble together to consult for the common good, to make known their opinions to their representatives, and to petition for redress of grievances.

20. No bill of attainder, ex post facto law, or law impairing the obligation of contract, shall ever be passed.

21. Foreigners who are residents of this State shall enjoy the same rights, in respect to the possession, enjoyment, and descent of property, as native-born citizens.

22. Neither slavery nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this State.

23. This enumeration of rights shall not be construed to impair or deny others retained by the people.

ARTICLE III.

Right of suffrage.

1. In all elections which are now, or hereafter may be authorized, every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the State six months next preceding the election, and of the county in which he claims his vote thirty days, shall be entitled to vote.

2. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at, going to, and returning therefrom.

3. Except in time of war or public danger, no elector shall be obliged to perform militia duty on the day of election.

4. No person in the military, naval, or marine service of the United States, shall be considered a resident of this State by being stationed in any garrison, barrack, or military or naval place or station within the State.

5. No idiot, or insane person, or persons declared infamous by act of the legislature, shall be entitled to the privileges of an elector.

6. All elections shall be by ballot.

ARTICLE IV.

Of the distribution of powers.

1. The powers of the government of Iowa shall be divided into three separate departments—the legislative, the executive, and the judicial; and no person charged with the exercise of powers properly belonging to one of these departments, shall exercise any function appertaining to either of the others, except in the cases hereinafter expressly directed or permitted.

Legislative department.

1. The legislative authority of this State shall be vested in a senate and house of representatives, which shall be designated the General Assembly of the State of Iowa, and the style of their laws shall commence in the following manner: "Be it enacted by the General Assembly of the State of Iowa."

2. The sessions of the General Assembly shall be biennial, and shall commence on the first Monday of January next ensuing the election of its members; unless the governor of the State shall in the interim convene the General Assembly by proclamation.

3. The members of the house of representatives shall be chosen every second year, by the qualified electors of their respective districts, on the third Tuesday in October, whose term of office shall continue two years from the day of the general election.

4. No person shall be a member of the house of representatives who shall not have attained the age of twenty-one years; who shall not be a free white male citizen of the United States; who shall not have been an inhabitant of this State or Territory one year next preceding his election, and who shall not, at the time of his election, have an actual residence of thirty days in the county or district he may be chosen to represent.

5. Senators shall be chosen for the term of four years, at the same time and place as representatives. They shall be twenty-five years of age, and possess the qualifications of representatives as to residence and citizenship.

6. The number of senators shall not be less than one-third, nor more than one-half, of the representative body; and at the first session of the General Assembly after this constitution takes effect, the senators shall be divided by lot, as equally as may be, into two classes; the seats of the senators of the first class shall be vacated at the expiration of the second year, so that one-half shall be chosen every two years.

7. When the number of senators is increased, they shall be annexed by lot to one of the two classes, so as to keep them as nearly equal in number as practicable.

8. The house of representatives, when assembled, shall choose a speaker and its other officers, and the senate shall appoint its own officers except the president; and each body shall judge of the qualifications, elections, and returns of its own members. A contested election shall be determined in such manner as shall be directed by law.

9. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner, and under such penalties, as each house may provide.

10. Each house shall sit upon its own adjournments, keep a journal of its proceedings, and publish the same; determine its rules of proceedings; punish members for disorderly behavior; and, with the consent of two-thirds, expel a member, but not a second time for the same offence; and shall have all other powers necessary for a branch of the legislature of a free and independent State.

11. Every member of the General Assembly shall have the liberty to dissent from, or protest against, any act or resolution which he may think injurious to the public or an individual, and have the reasons for his dissent entered on the journals; and the yeas and nays of the members of either house, on any question, shall, at the desire of any two members present, be entered on the journals.

12. Senators and representatives, in all cases except for treason, felony, and breach of the peace, shall be privileged from arrest during the session of the legislature, and in going to and returning from the same.

13. When vacancies occur in either house, the governor, or the person exercising the functions of the governor, shall issue writs of election to fill such vacancies.

14. The doors of each house shall be open, except on such occasion as in the opinion of the house may require secrecy.

15. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

16. Bills may originate in either house, and be amended, altered, or rejected by the other; but no bill shall have the force of a law, until on three several days it be read in each house, and unless, in cases of urgency, two-thirds of the house in which the bill shall be depending may deem it expedient to dispense with the rules: and every bill having passed both houses, shall be signed by the speaker and president of their respective houses.

17. Every bill which shall have passed the General Assembly shall, before it become a law, be presented to the governor. If he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it shall have originated, who shall enter the same upon the journal and proceed to reconsider it: if, after such reconsideration, it again pass both houses by yeas and nays, by a majority of two thirds of the members of each house present, it shall become a law, notwithstanding the governor's objections. If any bill shall not be returned within five days after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislature, by adjournment, prevent such return.

18. No money shall be drawn from the treasury, but in consequence of appropriations made by law.

19. An accurate statement of the receipts and expenditures of the public money shall be attached to, and published with the laws, at every regular session of the legislature.

20. The house of representatives shall have the sole power of impeaching. All impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be upon oath or affirmation. No person shall be convicted, without the concurrence of two thirds of the members present.

21. The governor, lieutenant governor, secretary of state, auditor, treas-

urer, and judges of the supreme and district courts, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend farther than to removal from office, and disqualification to hold any office of honor, trust, or profit, under this State; but the party convicted or acquitted shall nevertheless be liable and subject to indictment, trial, and punishment, according to law. All other civil officers shall be tried for misdemeanors in office, in such manner as the General Assembly may provide.

22. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased, during such term; except such offices as may be filled by elections by the people.

23. No person holding any lucrative office under the United States, or this State, or any other power, shall be eligible to the General Assembly: provided, that officers in the militia to which there is attached no annual salary, or the office of justice of the peace, shall not be deemed lucrative.

24. No person who may hereafter be a collector or holder of public moneys shall have a seat in either house of the General Assembly, or be eligible to any office of trust or profit under this State, until he shall have accounted for, and paid into the treasury, all sums for which he may be accountable.

25. Each member of the General Assembly shall receive a compensation, to be fixed by law, for his services, to be paid out of the treasury of the State. Such compensation shall not exceed two dollars per day for the period of fifty days from the commencement of the session, and shall not exceed the sum of one dollar per day for the remainder of the session; when convened in extra session by the governor, they shall receive such sum as shall be fixed for the first fifty days of the ordinary session. They shall also receive two dollars for every twenty miles they shall travel, in going to and returning from their place of meeting, on the most usual route: provided, however, that the members of the first legislature under this constitution shall receive two dollars per day for their services during the entire session.

26. To obviate confusion and improper influences which may result from intermingling in one and the same act such things as have no proper relation to each other, every law shall embrace but one object, which shall be expressed in the title.

27. No law of the General Assembly, of a public nature, shall take effect until the same shall be published and circulated in the several counties of this State by authority: provided, if the General Assembly shall deem any law of immediate importance, they may provide that the same shall take effect by publication in newspapers in the State.

28. No divorce shall be granted by the legislature.

29. No county or counties shall be liable for the expense of laying out or establishing any road or roads authorized by special act of the Assembly.

30. No lottery shall be authorized by this State, nor shall the sale of lottery tickets be allowed.

31. Members of the General Assembly shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear, (or affirm, as the case may be,) that I

will support the constitution of the United States and the constitution of the State of Iowa, and that I will faithfully discharge the duties of senator (or representative, as the case may be) according to the best of my ability;" and members elect of the General Assembly are hereby empowered to administer to each other the said oath or affirmation.

32. Within two years after the first meeting of the General Assembly under this constitution, and within every subsequent term of four years, for the term of sixteen years, an enumeration of all the white inhabitants of this State shall be made, in such manner as shall be directed by law. The number of senators and representatives shall, at the first regular session of the legislature after such enumeration, be fixed by law, and apportioned among the several counties according to the number of white inhabitants in each; and the house of representatives shall never be less than twenty-six, nor greater than thirty nine, until the number of white inhabitants shall be one hundred and twenty five thousand; and after that event, at such ratio that the whole number of representatives shall never be less than thirty six, nor exceed seventy-two.

33. When a senatorial and representative district shall be composed of two or more counties, it shall not be entirely separated by any county belonging to another district; and no county shall be divided in forming a senatorial or representative district.

34. In all elections by the General Assembly, the members thereof shall vote *viva voce*, and the votes shall be entered on the journal.

Officers' salaries.

35. For the first ten years after the organization of the government, the annual salary of the governor shall not exceed eight hundred dollars; secretary of state, five hundred dollars; treasurer, three hundred dollars; auditor, five hundred dollars; judges of the supreme and district courts, each eight hundred dollars.

ARTICLE V.

Of the executive department.

1. The supreme executive power shall be vested in a governor, who shall hold his office for two years; and a lieutenant governor shall be chosen at the same time and for the same term.

2. No person shall be eligible to the office of governor or lieutenant governor who is not a citizen of the United States, been a resident of the State two years next preceding the election, and who has not attained the age of thirty years at the time of said election.

3. The governor and lieutenant governor shall be elected by the electors at the times and places of choosing members of the legislature. The persons having the highest number of votes for governor and lieutenant governor shall be elected; but in case two or more have an equal and the highest number of votes for governor or lieutenant governor, the legislature shall, by joint ballot, choose one of said persons so having an equal and the highest number, for governor or lieutenant governor.

4. The returns of every election for governor and lieutenant governor shall be sealed up and transmitted to the seat of government by the return-

ing officers, directed to the president of the senate, who shall open and publish them in the presence of the members of both houses.

5. The governor shall be commander-in-chief of the militia and of the army and navy of this State.

6. He shall transact all executive business with the officers of government, civil and military; and may require information in writing from the officers in the executive department upon any subject relating to the duties of their respective offices.

7. He shall take care that the laws be faithfully executed.

8. When any office shall, from any cause, become vacant, and no mode is provided by the constitution and laws for filling such vacancy, the governor shall make an appointment for such vacated office, which shall expire at the end of the next session of the General Assembly, or at the next election by the people.

9. He may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state to them, when assembled, the purpose for which they shall have been convened.

10. He shall communicate, by message to the legislature at every session, the condition of the State, and recommend such matters to them as he shall deem expedient.

11. In case of disagreement between the two houses with respect to the time of adjournment, the governor shall have the power to adjourn the General Assembly to such time as he may think proper, provided it be not to a period beyond the next meeting of the legislature.

12. In case of the impeachment of the governor, his removal from office, death, resignation, or absence from the State, the powers and duties of the office shall devolve upon the lieutenant governor, until such disability shall cease, or the vacancy be filled.

13. If, during the vacancy of the office of governor, the lieutenant governor shall be impeached, displaced, resign, die, or be absent from the State, the president *pro tempore* of the Senate shall act as governor until the vacancy be filled; and should a vacancy occur by the impeachment, death, resignation, or absence from the State, of the president *pro tempore* of the senate, the speaker of the house of representatives shall discharge the duties of governor during the existence of such vacancy.

14. The lieutenant governor shall, by virtue of his office, be president of the senate; in committee of the whole he may debate on all questions; and when there is an equal division, he shall give the casting vote.

15. No member of Congress, nor any other person holding office under the United States or this State, shall execute the office of governor.

16. The governor shall have power to grant reprieves and pardons, and commute punishment after conviction, except in cases of impeachment, in such manner and upon such conditions as may be prescribed by law.

17. The governor shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the time for which he shall have been elected.

18. The lieutenant governor, (except when acting as governor,) and president of the senate *pro tempore*, shall each receive the same compensation as shall be allowed to the speaker of the house of representatives.

19. There shall be a seal of this State, which shall be kept by the governor and used by him officially, and shall be called the great seal of the State of Iowa.

20. All grants and commissions shall be in the name and by the authority of the people of Iowa, sealed with the seal, signed by the governor, and countersigned by the secretary of state.

21. A secretary of state, auditor of public accounts, and treasurer, shall be elected by the qualified electors at the time and place of voting for governor, who shall continue in office two years. The secretary of state shall keep a fair register of all the official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before either branch of the legislature, and shall perform such other duties as shall be assigned him by law.

22. The first governor, lieutenant governor, secretary of state, auditor of public accounts, treasurer, and superintendent of public schools, shall hold their offices for two years after the first Monday in January succeeding their election, and until their successors shall be elected and qualified; and forever after, the governor, lieutenant governor, secretary of state, auditor of public accounts, treasurer, and superintendent of public schools, shall hold their offices for the term of two years, and until their respective successors shall be elected and qualified to office.

ARTICLE VI.

Judicial department.

1. The judicial power shall be vested in a supreme court, district courts, and such other inferior courts as the legislature may from time [to time] establish.

2. The supreme court shall consist of a chief justice and two associates, two of whom shall be a quorum to hold court.

The supreme court shall have appellate jurisdiction only in all cases in chancery, and constitute a court for the correction of errors at law, under such restrictions as the General Assembly may by law prescribe.

The sessions of the court shall be at the seat of government, at such times as may be fixed by law; and the judges thereof shall appoint a clerk, who shall hold his office during their pleasure.

3. The supreme court shall have power to issue all writs and process necessary to do justice to parties, and exercise a supervisory control over all inferior judicial tribunals. The judges of the supreme court shall be conservators of the peace throughout the State.

4. The district court shall consist of a judge, who shall reside in the district assigned him by law, be elected by the qualified voters thereof, and hold his office for the term of four years, and until his successor is elected and qualified.

The district court shall be a court of law and equity, and have jurisdiction in all civil and criminal matters arising in the respective counties in the district, in such manner as shall be prescribed by law. The judges of the district courts shall be conservators of the peace in their respective districts.

The first session of the General Assembly shall divide the State into three districts, which shall be increased as the exigencies of the State may require.

5. The judges of the supreme court shall be elected by joint vote of the General Assembly, and shall hold their offices for the term of four years, and until their successors are elected and qualified.

6. There shall be elected in each county one judge of probate, one prosecuting attorney, and one clerk of the district court, who shall continue in office for two years, and until their successors are elected and qualified. Vacancies in the office of clerk shall be filled by appointment by the judge of the district court, and such appointment shall continue until a successor is elected and qualified.

7. The style of all process shall be "The State of Iowa," and all prosecutions shall be conducted in the name and by the authority of the same.

ARTICLE VII.

Of the militia.

1. The militia of this State shall be composed of all able-bodied white male persons between the ages of eighteen and forty-five years, except such persons as are or may hereafter be exempted by the laws of the United States, or of this State.

2. No person or persons conscientiously scrupulous of bearing arms shall be compelled to do militia duty in time of peace: provided, that such person or persons shall pay an equivalent for such exemption in the same manner as other citizens.

3. The legislature shall provide by law for organizing, equipping, and disciplining the militia of this State, in such manner as they deem expedient, not incompatible with the constitution and laws of the United States in relation thereto.

4. All commissioned officers of the militia (staff officers excepted) shall be elected by the persons liable to perform military duty, and shall be commissioned by the governor.

ARTICLE VIII.

Of public debts and liabilities.

1. The legislature shall not in any manner create any debt or debts, liability or liabilities, which shall singly or in the aggregate, with any previous debts or liabilities, exceed the sum of one hundred thousand dollars, (except in case of war, to repel invasion and suppress insurrection,) unless the same shall be authorized by some law, for some single object or work to be distinctly specified therein; which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within twenty years from the time of the contracting thereof, and shall be irrepealable until the principal and the interest thereon shall be paid and discharged; but no such law shall take effect until, at a general election, it shall have been submitted to the people, and have received a majority of all the votes cast for and against it at such election; and all money raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created; and such law shall be published in newspapers in the State for three months preceding the election at which it is submitted to the people.

ARTICLE IX.

Incorporations.

1. No act of incorporation shall continue in force for a longer period than

twenty years, without the re-enactment of the legislature, unless it be an incorporation for public improvement.

2. The personal and real property of the individual members of all corporations hereafter created, shall at all times be liable for the debts due by any such corporation.

3. The legislature shall create no bank or banking institution, or corporation with banking privileges, in this State, unless its charter, with all its provisions, shall be submitted to a vote of the people at a general election for State officers, and receive a majority of the votes of the qualified electors of this State, cast for and against it.

4. The Legislative Assembly shall have power to repeal all acts of incorporation by them granted.

5. The property of the inhabitants of this State shall never be used by any incorporated company, without the consent of the owner.

6. Corporations of a public nature, such as counties, towns, villages, and the like, shall not be subject to the foregoing provisions.

7. The State shall not, directly or indirectly, become a stockholder in any bank or other corporation.

ARTICLE X.

Education and school lands.

1. The legislature, by joint vote, shall appoint a superintendent of public instruction, who shall hold his office for three years, and whose duties shall be prescribed by law, and who shall receive such compensation as the legislature may direct.

2. The legislature shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all lands that have been, or hereafter may be, granted by the United States to this State for the support of schools, which shall hereafter be sold or disposed of, and the five hundred thousand acres of land granted to the new States under an act of Congress distributing the proceeds of the public lands among the several States of the Union, approved A. D. 1841, and all estates of deceased persons who may have died without leaving a will or heirs, and also such per cent. as may be granted by Congress on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, shall be inviolably appropriated to the support of schools throughout the State.

3. The legislature shall provide for a system of common schools, by which a school shall be kept up and supported in each school district at least three months in every year; and any school district neglecting to keep up and support such a school may be deprived of its equal proportion of the interest of the public fund during such neglect.

4. As soon as the circumstances of the State will permit, the legislature shall provide for the establishment of libraries—one, at least, in each township; and the moneys which shall be paid by persons as an equivalent for exemption from military duty, and the clear proceeds of all fines assessed in the several counties for any breach of the penal laws, shall be exclusively applied to the support of said libraries.

5. The legislature shall take measures for the protection, improvement, or other disposition of such lands as have been or may hereafter be re-

served or granted by the United States, or any person or persons, to this State, for the use of a university; and the funds accruing from the rents or sale of such lands, or from any other source, for the purpose aforesaid, shall be and remain a permanent fund for the support of said university, with such branches as the public convenience may hereafter demand for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant; and it shall be the duty of the legislature, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said university.

ARTICLE XI.

County organization.

1. No new county shall be laid off, nor old county reduced, to less contents than four hundred square miles.

2. There shall be elected by the qualified electors of each organized county in this State, one sheriff, one coroner, one county recorder, (who shall discharge the duties of clerk of the county court, or court doing county business,) one county surveyor, and one county treasurer, (who shall be ex-officio collector of the public revenues,) and hold their offices for the term of two years, and until their successors are elected and qualified, and shall perform such duties, and be allowed such compensation, as may be provided by law. They shall reside in their respective counties during their continuance in office, and be respectively disqualified for the office a second time, on default for any moneys collected by virtue of their respective offices; but in no case shall the sheriff be elected for more than two terms in succession.

3. The legislature may provide for a township organization. There shall be elected in each township, by the qualified electors, not less than two justices of the peace, at such time and place as may be provided by law, who shall hold their respective offices for two years, and until their successors are elected and qualified. Their jurisdiction shall be co-extensive with their respective townships, and shall extend to all civil cases where the amount in controversy does not exceed one hundred dollars, and, by the consent of parties, may be extended to any amount not exceeding five hundred dollars. They shall be conservators of the peace, and shall possess such criminal jurisdiction as the legislature may prescribe.

4. The legislature shall provide by law for the jurisdiction of probate, and of all matters relating to county taxes, disbursement of moneys for county purposes, and in every case that may be necessary to the internal improvement and local concerns of the respective counties.

5. The fees of all county officers shall be defined by law, and no extra compensation, either by the county or State, shall be paid or allowed to such officers.

ARTICLE XII.

On amendments to the constitution.

1. Any amendment or amendments to this constitution may be proposed in the senate or house of representatives; and, if the same shall be agreed to by a majority of all the members elected to each of the two

houses, such proposed amendment shall be entered on their journals, with the yeas and nays thereon, and referred to the General Assembly then next to be chosen, and shall be published for three months previous to the time of making such choice; and if in the General Assembly then next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people, in such manner and at such time as the General Assembly shall prescribe; and if the people shall approve and ratify such amendment or amendments, by a majority of all the qualified electors of the State voting for and against said amendment or amendments voting in their favor, such amendment or amendments shall become part of this constitution. When any amendment or amendments to this constitution shall be proposed in pursuance of the foregoing provisions, the same shall, at each of the said sessions, be read three several days in each house. The General Assembly shall not propose the same amendments to this constitution oftener than once in six years.

2. And if, at any time, two-thirds of the senate and house of representatives shall think it necessary to revise or change this constitution, they shall recommend to the electors at the next election for members of the legislature to vote for or against a convention; and if it shall appear that a majority of the electors voting at such election have voted in favor of calling a convention, the legislature shall, at its next session, provide by law for calling a convention, to be holden within six months after the passage of such law, and such convention shall consist of a number of members not less than of both branches of the legislature.

ARTICLE XIII.

Schedule.

1. That no inconvenience may arise from a change of the territorial government to a permanent State government, it is declared that all writs, actions, prosecutions, contracts, claims, and rights, shall continue as if no change had taken place in this government; and all process which may, before the organization of the judicial department under this constitution, be issued under the authority of the Territory of Iowa, shall be as valid as if issued in the name of the State.

2. All laws now in force in this Territory, which are not repugnant to this constitution, shall remain in force until they expire by their own limitations, or be altered or repealed by the legislature.

3. All fines, penalties, and forfeitures, accruing to the Territory of Iowa, shall accrue to the use of the State.

4. All recognizances heretofore taken, or which may hereafter be taken, before the organization of the judicial department under this constitution, shall remain valid, and shall pass over to, and may be prosecuted in the name of, the State. And all bonds executed to the governor of this Territory, or to any other officer in his official capacity, shall pass over to the governor, or other proper State authority, and to their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly. All criminal prosecutions and penal actions, which have arisen, or which may arise before the organization of the judicial depart-

ment under this constitution, and which shall then be pending, may be prosecuted to judgment and executed in the name of the State.

5. All officers, civil and military, now holding their offices and appointments in this Territory under the authority of the United States, or under the authority of this Territory, shall continue to hold and exercise their respective offices and appointments until superseded under this constitution.

6. It is made the duty of the president of this convention to transmit to the delegate to the Congress of the United States from this Territory a copy of this constitution, together with an authenticated copy of an act of the Legislative Assembly of this Territory, entitled "An act to provide for the expression of the opinion of the people of the Territory of Iowa upon the subject of the formation of a State constitution for the State of Iowa," and also a certified abstract of the census of this Territory, taken in the month of May, 1844, and also a certified abstract of the vote of the people of this Territory upon the question of convention or no convention, to be by him submitted to Congress at as early a day as practicable at its next session, for the purpose of gaining admission into the Union as a State. This constitution, together with whatever conditions may be made to the same by Congress, shall be ratified or rejected by a vote of the qualified electors of this Territory at the township elections in April next, in the manner prescribed by the act of the Legislative Assembly providing for the holding of this convention: provided, however, that the General Assembly of this State may ratify or reject any conditions Congress may make to this constitution after the first Monday in April next.

7. The clerks of the several boards of county commissioners shall give at least thirty days' notice, in the manner and form directed in the laws of this Territory regulating general elections, of the first general election under this constitution, to be held on the first Monday in August next after the adoption of this constitution by the people of this Territory, for the election of a governor, lieutenant-governor, representative in the Congress of the United States, members of the legislature, and one auditor, treasurer, and secretary of state. And said election shall be conducted in accordance with the existing election laws of this Territory; and the said governor, lieutenant governor, representative in the Congress of the United States, auditor, treasurer, and secretary of state, duly elected at said election, shall continue to discharge the duties of their respective offices for the time prescribed by this constitution, and until their successors are elected and qualified. The returns of said election shall be made in conformity to the existing laws of this Territory.

8. Until the first enumeration of the inhabitants of this Territory as directed by this constitution, the following shall be the apportionment of the members of the State legislature: The county of Lee shall be entitled to two senators and five representatives; the county of Van Buren, two senators and four representatives; the counties of Davis, Wapello, Kishkeokosh, and Appanoose, one senator jointly, and one representative to each of the counties of Davis and Wapello, and one representative to the counties of Kishkeokosh and Appanoose jointly; the county of Des Moines, two senators and four representatives; the county of Henry, one senator and three representatives; the county of Jefferson, one senator and three representatives; the counties of Louisa and Washington, one senator jointly, and two representatives each; the counties of Keokuk and Mahaska, one senator jointly, and one representative each; the counties of Muscatine and

Johnson, one senator and one representative jointly, and each one representative; the counties of Scott and Clinton, one senator jointly, and one representative each; the counties of Cedar, Linn, and Benton, one senator jointly, the county of Cedar one representative, and the counties of Linn and Benton one representative jointly; the counties of Jackson and Jones, one senator and two representatives; the counties of Dubuque, Delaware, Clinton, Fayette, Buchanan, and Blackhawk, two senators; and the county of Dubuque one representative, and the counties of Delaware, Clayton, Fayette, Buchanan, and Blackhawk, one representative. And any country attached to any county for judicial purposes, shall, unless otherwise provided for, be considered as forming part of such county for election purposes.

9. The first meeting of the legislature under this constitution shall be on the first Monday in November following its ratification by the people, at Iowa city, in Johnson county; which place shall be the seat of government of the State of Iowa until the year eighteen hundred and sixty-five, and until removed by law.

ORDINANCE.

Be it ordained by the convention assembled to form a constitution for the State of Iowa, in behalf and by the authority of the people of said State, that the following propositions be made to the Congress of the United States, which, if assented to by that body, shall be obligatory on this State:

1. Section number sixteen in every surveyed township of public lands, and where such section has been sold, or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the State for the use of schools.

2. The seventy-two sections of land set apart and reserved for the use and support of the university, by an act of Congress approved on the twentieth of July, one thousand eight hundred and forty, entitled "An act granting two townships of land for the use of a university in the Territory of Iowa," shall, together with such further quantities as may be agreed upon by Congress, be conveyed to the State, and shall be applied solely to the use and support of such university, in such manner as the General Assembly may prescribe.

3. That five entire sections of land, in addition to the one heretofore granted, to be selected and located under the direction of the legislature, in legal divisions of not less than one quarter section from and of the unappropriated lands belonging to the United States within this State, shall be granted to the State for the purpose of completing the public buildings of the State at the seat of government, to be applied in such manner as the General Assembly may direct.

4. One township of any of the public lands within this State, not otherwise disposed of, for the purpose of finishing the penitentiary of the Territory of Iowa, to be selected as the General Assembly may direct.

5. That all salt-springs within the State, with six sections adjoining, or as contiguous as may be to each, shall be granted to the State for its use, to be selected by the legislature.

6. That five per cent. of the net proceeds of the sales of all public lands

lying within the State, which shall be sold by Congress after the admission of the State into the Union, shall be granted to the State.

7. That thirty-six sections of land be granted to the State for a lunatic asylum, thirty six sections for an asylum for the deaf and dumb, and thirty-six sections for an asylum for the instruction of the blind—to be selected from any of the United States lands within the State of Iowa that may be subject to private entry, to be selected in not less quantities than the legal subdivisions of quarter sections, in such manner as the legislature may direct.

8. One quarter section of land in each township, for the purpose of purchasing a library for the benefit of the township.

That, in consideration of the grants specified in the eight foregoing propositions, it is declared that this State will never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide* purchaser thereof; and that no tax shall be imposed on lands the property of the United States, and that in no case shall non-resident proprietors be taxed higher than resident.

Memorial to the Senate and House of Representatives of the United States.

The convention for the formation of a constitution for the State of Iowa, having performed that duty, herewith present the constitution which they have adopted, and ask to be admitted into the Union of the States.

A large majority of the votes, in every county in this Territory, were given at the township elections in April last, for a convention to form a constitution for a State government; and in pursuance of that determination, delegates were elected on the first Monday in August last, who met at Iowa city on the first Monday of the present month, and will close their labors with this address.

The population of the Territory, as will appear from an abstract of the census, was, in the month of May last, upwards of eighty thousand; and having conformed to the principles of the federal constitution, we confidently rely upon the guarantee in the third article of the treaty between the United States and France, for admission into the Union of the United States at as early a day as possible. Liberal donations of land, for education, internal improvements, seats of government—for ameliorating the condition of the deaf and dumb, the blind, and the insane—have invariably been made by Congress to the new States; and this well-settled precedent, fraught as it is with incalculable benefits, and based upon considerations extending far beyond the mere limits of the particular State to which such grants may be made, it is confidently believed will not be departed from now, to the detriment and injustice of Iowa.

The delegate to the Congress of the United States from this Territory is fully acquainted with the several objects for which donations should be made; and without further specification upon this subject, we submit it to the magnanimity and justice of Congress, trusting that in this, and all other respects, we shall be placed upon an equal footing with the States which have preceded us.

The revenue for the support of a State government must necessarily be derived, to a great extent, from a tax upon real estate; and for this State to

be deprived of the right of taxing the lands of her citizens, for five years from the time of sale, by the general government, would place a heavy and unjust burden, where there is less ability to bear it. Against this restriction, contained in the compacts with many of the new States, this convention would respectfully protest, as one that would be calculated, if applied to Iowa, to affect unjustly and unequally portions of her citizens, and greatly retard the prosperity of the State.

Done in convention at Iowa city, this first day of November, one thousand eight hundred and forty-four, and of the independence of the United States of America the sixty-ninth.

In testimony whereof, we have hereunto subscribed our names.

SHEPHERD LEFFLER, *President.*

Robert Lucas,
Stephen Hempstead,
James Grant,
William L. Toole,
Andrew W. Campbell,
Wright Williams,
Henry Felkner,
S. A. Bissell,
William H. Galbraith,
William Morden,
John D. Wright,
Michael O'Brien,
Henry Robinson,
James Clarke,
V. B. Delashmutt,
Ebenezer Cook,
William R. Harrison,
Theophilus Crawford,
Lauman M. Strong,
Samuel W. McAtee,
C. B. Campbell,
Ralph R. Benedict,
Sulifand S. Ross,
S. W. Durham,
Tho. J. McKean,
Robert Brown,
Samuel H. McCrory,
Richard B. Wyckoff,
Enos Lowe,
George Hepner,
John Taylor,
Hardin Butler,
G. S. Bailey,
S. B. Olmstead,
Francis Gehon,

Joseph C. Hawkins,
George Hobson,
Henry M. Salmon,
Charles Staley,
David Galland,
James Marsh,
O. S. X. Peck,
A. Hooton,
E. Sells,
David Ferguson,
Lyman Evans,
Elisha Cutler, Jr.,
James I. Murray,
Paul Brattain,
Alexander Kerr,
John Ripley,
John Hale, Jr.,
J. C. Blankinship,
Enos Ross,
John H. Randolph,
Stephen B. Shelledy,
Richard Quinton,
Jonathan E. Fletcher,
Samuel Whitmore,
John Davidson,
Thomas Charlton,
W. W. Chapman,
John W. Brookbank,
Calvin J. Price,
Jonathan C. Hall,
Edward Langworthy,
R. P. Lowe,
Joseph D. Hoag,
James H. Gower,
John Thompson.

Attest:

GEORGE S. HAMPTON,
Secretary of the Convention.

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In testimony whereof, we have hereunto subscribed our names.

SHEPHERD LEEFLEER, President.

- | | |
|-----------------------|-----------------------|
| Robert Lucas, | Joseph C. Hawkins, |
| Stephen Hempstead, | George Hobson, |
| James Grant, | Henry M. Salmon, |
| William F. Toole, | Charles Staley, |
| Andrew W. Campbell, | David Garland, |
| Wright Williams, | James Marsh, |
| Henry T. Lester, | O. S. X. Peck, |
| S. A. Bissell, | A. Hooton, |
| William H. Galbraith, | E. Self, |
| William Morgan, | David Ferguson, |
| John D. Wright, | Lyman Evans, |
| Michael O'Brien, | Eliza Carter, Jr., |
| Henry Robinson, | James I. Murray, |
| James Clarke, | Paul Brittain, |
| V. B. DeKamman, | Alexander Kerr, |
| Ebenezer Cook, | John Ripley, |
| William R. Harrison, | John Tate, Jr., |
| Theophilus Crawford, | J. C. Blankenship, |
| James M. Stump, | Ernest Ross, |
| Samuel W. McAtee, | John H. Randolph, |
| C. B. Campbell, | Stephen B. Sheldy, |
| Ralph R. Benedict, | Richard Ginton, |
| William S. Ross, | Jonathan H. Fletcher, |
| S. W. Doherty, | Samuel Whitmore, |
| The A. McKean, | John Davidson, |
| Robert Brown, | Thomas Charlton, |
| Samuel J. McGary, | W. W. Chapman, |
| Richard B. Wyckoff, | John W. Brookbank, |
| Ernest Jones, | Calvin A. Price, |
| George Hepner, | Jonathan C. Hall, |
| John Taylor, | Edward Langworthy, |
| Hardin Butler, | H. P. Lowe, |
| G. S. Bailey, | Joseph D. Hoag, |
| S. B. Olmstead, | James H. Gower, |
| Francis Gibson, | John Thompson, |

Attest:

George S. Hayston,
Secretary of the Convention.

